

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1646 of 2018

- Ramratan Pandey S/o Shri Bhagwat Prasad Pandey, Aged About 59 Years (wrongly mentioned as 52 Years), Senior Assistant (MARKFED), Chhattisgarh State Cooperative Federation Limited, Janjgir, District - Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Incharge, Anti Corruption Bureau, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Goutam Khetrapal, Advocate.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-12-2018

1. Apprehending arrest in connection with Crime No.49/2016, registered at Police Station – Anti Corruption Bureau, Raipur, Chhattisgarh for offence punishable under Section 13(1)(e), 13(2) of Prevention of Corruption Act, 1988, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that no case is made out. The applicant is in service since 1981. The erroneous investigation has been done in this case against him taking into consideration the assets of his son as his own earnings. The income tax returns of the son of the applicant shows that he had income of Rs.85,00,000/-, which has not been taken into consideration, and thus, assets in the name of the son have been shown to be assets of this applicant. It is also submitted that in making calculations the property in possession of the applicant has been overvalued on the basis of the current rates on the date on which the investigation was made, whereas, the properties were acquired at lesser prices. Further, it is submitted that the investigation is complete and only the filing of the charge sheet is pending. Therefore, it is prayed that this applicant may be benefited with grant of

anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant has misused his position as public servant and has amassed huge wealth. On calculations, it has been found that property of Rs. 68,87,976/- was found in excess regarding which there was no explanation by the applicant. Therefore, the applicant is not entitled for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. The applicant was appointed as an employee in MARKFED, C.G. State Cooperative Federation Ltd. in the year 1981. on the date of raid, 2-06-2016 he was posted as Senior Assistant in C.G. State Cooperative Federation Ltd., Janjgir in Distt. Janjgir-Champa. In the investigation made it was calculated that the applicant had income from unlawful sources for the check period between 01-04-2004 to 03-06-2016 of Rs.1,33,63,529/-, whereas, he had made expenditure of Rs.2,02,51,505/- which was 51.5% in excess. Hence, this case.

6. Considered on the entire material present in the case diary. This applicant was never arrested by the respondent though he was available and performing his duties and as it is that the investigation is complete and the case is pending for filing of charge sheet only, which shows that there is no further requirement of custodial interrogation of the applicant, hence, for these reasons, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge